

U.S.S.N. 09/682,740

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201-0891 (FGT 1556 PA)

REMARKS

In the Office Action dated January 30, 2004, claims 1-17 are pending. Claims 1 and 7 are independent claims from which all other claims depend therefrom.

Claim 1-17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Miller (US 2003/0139881). Applicants submit that the claimed invention and the Miller reference were commonly owned at the time of the claimed invention and as such the Miller reference is not a valid reference.

Referring to MPEP 706.02(I)(2), in order to be disqualified under 35 U.S.C. 103(c), the subject matter that would otherwise be prior art to the claimed invention and the claimed invention must be commonly owned at the time the claimed invention was made. Also, 37 U.S.C. 1.104(c)(4) states that subject matter which is developed by another person which qualifies as prior art only under 35 U.S.C. 102(e), (f), or (g) may be used as prior art under 35 U.S.C. 103 against the claimed invention unless the entire rights to the subject matter and the claimed invention were commonly owned by the same person or organization or subject to an obligation of assignment to the same person or organization at the time the claimed invention was made.

MPEP
706.02(I)(2) P 3
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P. 700-51 cita

Applicants, respectfully, refer the Examiner to the assignments recorded in the Patent and Trademark Office, which convey the entire rights of the present application and that of Miller to a common organization. The common organization is Ford Motor Company, which is now referred to as Ford Global Technologies, Inc. Thus, Applicants submit that the entire rights to the subject matter of Miller and to the presently claimed invention were commonly owned by Ford Motor Company at the time the claimed invention was made. Therefore, Applicants submit that Miller should no longer be considered as an available prior art reference against the present application.

Since Miller is no longer a valid reference and since no other reference was relied upon in the rejections against claims 1-17 in the current Office

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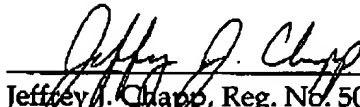
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Action, Applicants submit that claims 1-17 are novel, nonobvious, and are in a condition for allowance.

In light of the remarks, Applicants submit that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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